

Board of Professional Engineers of Queensland Policy

Title: Investigations	ID: 2.3 (5A)
Status: Approved	Version: 01/12/14

1. Rationale

This policy provides guidance to the Board in undertaking of investigations. The policy supports Policy No 2.1 Complaints and Policy No 2.2 Offences.

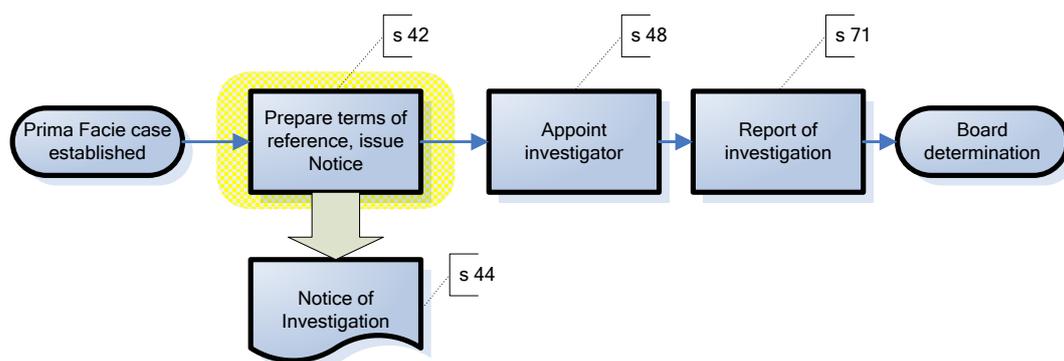
This policy addresses the following specific areas:

- The investigations process
- Appointing an investigator
- Initiating the investigation - Brief and Terms of Reference

2. Policy

Where prima facie grounds for disciplinary action warranting investigation are established, the Board instigates a formal investigation to produce a report and recommendations.

3. Overview



4. Practice

The investigations process

Where the Board considers disciplinary action may be warranted it will undertake a formal investigation.

Observation

Investigations require independent specialist knowledge and the Board generally does not have the capacity to undertake investigations on its own behalf. In most instances the Board will appoint an investigator with specialist knowledge to conduct the investigation and produce a report. This will ensure that appropriate expertise is brought to bear on the investigation and provide separation between the investigation and the decision regarding disciplinary action.

Under current arrangements the Board has established a panel of Investigators which it draws on to invite investigators to conduct investigations. This is based on knowledge of the industry rather than any formal process.

Appointing an investigator

The Registrar prepares and sends a

- (a) project brief,
- (b) terms of reference and short form contract,
- (c) Invitation to submit a proposal to investigate to an investigator.

The Registrar submits the proposal from an investigator to the Board if proposal exceeds the Registrar's delegated authority under Policy 3.4 – Financial and Procurement Delegations. The Registrar sends a notice of investigation under s.44 to the person whose conduct is being investigated and notifies the investigator of the acceptance of the proposal.

Section 44 allows the Board to omit sending a notice to the person whose conduct is being investigated but would only do this when the circumstances allow the Board to form a reasonable belief the giving of the notice may seriously prejudice the investigation, or place the complainant or another person at risk of harassment or intimidation.

At the conclusion of the investigation the investigator will provide the Board with a written report as specified under the terms of reference.

5. References

Related legislation:

Professional Engineers Act 2002

Part 3 – Complaints and Investigations

Part 4 – Reports and Board’s Decisions about Investigations

Non-gazetted Forms (see operational manual)

Project brief for investigators

Letter invite to investigate complaint

Short form contract for investigator